
By: **Delegate Fulton**
Introduced and read first time: February 11, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Health and Safety of Students**

3 FOR the purpose of requiring certain county boards of education to adequately repair,
4 improve, and maintain each public school in the county; establishing certain
5 requirements for determining whether a public school is adequately repaired,
6 improved, and maintained; requiring the State Department of Education to
7 order a county board of education to repair, improve, or maintain a public school
8 under certain circumstances and within a certain period of time; requiring the
9 Department to issue a second notice to a county board to repair, improve, or
10 maintain a public school under certain circumstances; requiring the Department
11 to close a public school under certain circumstances; authorizing the
12 Department to grant a certain extension for a county board to repair, improve, or
13 maintain a public school under certain circumstances; and generally relating to
14 public schools and the health and safety of students.

15 BY adding to
16 Article - Education
17 Section 7-420
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Education**

23 7-420.

24 (A) A COUNTY BOARD SHALL ADEQUATELY REPAIR, IMPROVE, AND MAINTAIN
25 EACH PUBLIC SCHOOL IN THE COUNTY.

26 (B) A PUBLIC SCHOOL IS ADEQUATELY REPAIRED, IMPROVED, AND
27 MAINTAINED UNDER THIS SECTION IF THE PUBLIC SCHOOL IS FREE FROM:

1 (1) HAZARDOUS CONDITIONS ARISING FROM DEFECTIVE OR
2 IMPROPERLY UTILIZED OR INSTALLED ELECTRICAL WIRING, EQUIPMENT, OR
3 APPLIANCES;

4 (2) CONDITIONS THAT INTERFERE WITH THE PROPER OPERATION OF
5 THE PLUMBING SYSTEM INCLUDING FAUCETS, DRINKING FOUNTAINS, AND
6 SHOWERS;

7 (3) HAZARDOUS LEVELS OF ASBESTOS OR ASBESTOS-CONTAINING
8 MATERIALS;

9 (4) HAZARDOUS CONDITIONS ARISING FROM DEFECTIVE HEATING AND
10 COOLING SYSTEMS;

11 (5) CONDITIONS LIABLE TO CAUSE OR CONTRIBUTE TO THE SPREAD OF
12 FIRE;

13 (6) CONDITIONS THAT INTERFERE WITH THE EFFICIENCY OR
14 OPERATION OF ANY FIRE PROTECTION EQUIPMENT AND SYSTEM; AND

15 (7) OBSTRUCTIONS TO OR ON FIRE ESCAPES, STAIRS, PASSAGeways,
16 DOORS, OR WINDOWS THAT ARE LIABLE TO INTERFERE WITH THE EGRESS OF
17 OCCUPANTS OR THE OPERATION OF THE FIRE DEPARTMENT IN CASE OF FIRE.

18 (C) (1) IF A COUNTY BOARD FAILS TO REPAIR, IMPROVE, AND MAINTAIN A
19 PUBLIC SCHOOL IN THE COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THIS
20 SECTION, THE DEPARTMENT SHALL ORDER THE COUNTY BOARD TO PERFORM THE
21 REQUIRED REPAIR, IMPROVEMENT, OR MAINTENANCE WITHIN 30 DAYS.

22 (2) IF THE COUNTY BOARD DOES NOT PERFORM THE REQUIRED REPAIR,
23 IMPROVEMENT, OR MAINTENANCE, AND THE COUNTY BOARD HAS NOT OBTAINED A
24 TIME EXTENSION UNDER SUBSECTION (D) OF THIS SECTION, THE DEPARTMENT
25 SHALL ISSUE A SECOND ORDER TO THE COUNTY BOARD TO PERFORM THE REQUIRED
26 REPAIR, IMPROVEMENT, OR MAINTENANCE WITHIN 15 DAYS OF THE SECOND ORDER.

27 (3) IF AFTER THE DEPARTMENT ISSUES A SECOND ORDER TO THE
28 COUNTY BOARD AND THE COUNTY BOARD FAILS TO PERFORM THE REQUIRED
29 REPAIR, IMPROVEMENT, OR MAINTENANCE WITHIN 15 DAYS OF THE SECOND ORDER,
30 THE DEPARTMENT SHALL ORDER THE COUNTY BOARD TO CLOSE THE PUBLIC
31 SCHOOL UNTIL THE REQUIRED REPAIR, IMPROVEMENT, OR MAINTENANCE IS
32 COMPLETE.

33 (D) (1) AFTER THE DEPARTMENT ISSUES AN ORDER UNDER THIS SECTION
34 AND BEFORE THE DEPARTMENT ISSUES A SECOND ORDER UNDER THIS SECTION,
35 THE COUNTY BOARD MAY REQUEST A TIME EXTENSION TO PERFORM THE REPAIR,
36 IMPROVEMENT, OR MAINTENANCE IF THE COUNTY BOARD IS UNABLE TO PROMPTLY
37 CONDUCT THE REPAIR, IMPROVEMENT, OR MAINTENANCE BECAUSE OF THE NATURE
38 OF THE WORK REQUIRED.

1 (2) THE DEPARTMENT MAY EXTEND THE TIME IN WHICH THE COUNTY
2 BOARD IS REQUIRED TO PERFORM THE REPAIR, IMPROVEMENT, OR MAINTENANCE
3 UNTIL THE COMPLETION DATE ON A WRITTEN ESTIMATE FROM THE CONTRACTOR
4 WHO WILL PERFORM THE REPAIR, IMPROVEMENT, OR MAINTENANCE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2003.